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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,242	08/13/2001	Stephen F. Gass	SDT 306	8807
27630	7590	02/11/2008		
SD3, LLC 9564 S.W. Tualatin Road Tualatin, OR 97062			EXAMINER ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	
			MAIL DATE	DELIVERY MODE
			02/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/929,242

Applicant(s)

GASS ET AL.

Examiner

GHASSEM ALIE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/29/07.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-21 and 24 is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is based on the decision of the Board of Patent Appeals and Interferences on 08/29/07, in which rejection of claims 1 and 5 as being unpatentable over Foreign Document (DE 19609771) in view of Friemann (3,858,095) was affirmed. Therefore, claims 1, 5, and withdrawn claims 40-41 which depend from claim 1 are cancelled. In addition, upon further consideration, the indicated allowability of claim 22 is withdrawn in view of the newly discovered reference(s) to Fonda (1,584,086). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foreign Document DE 19609771, hereinafter DE '771, in view of Fonda (1,584,086). DE '771 discloses the invention substantially as claimed including: a circular saw bench with hand recognition for retracting the blade upon detection the users hand near the saw; however, DE '771 lacks the specific of the reaction system. D '771 does not explicitly teach that the reaction system includes a spring to push the cutting tool at least partially away from the cutting region. However, the use of spring in retracting mechanism for partially pushing the cutting tool away from a cutting region of a woodworking machine

is well known in the art such as taught by Fonda. Fonda teaches a woodworking machine including a blade 43 which is pushed away from a cutting region by a retraction mechanism. Fonda also teaches that the retracting mechanism also includes a spring 48 to push the cutting tool 43 away from the cutting region. See Figs. 1-2 in Fonda. It would have been obvious to a person of ordinary skill in the art to provide the reaction mechanism in DE' 771 with a spring that is associated with the retracting mechanism, as taught by Fonda, in order to facilitate retraction of the blade by the reaction system.

Allowable Subject Matter

4. Claim 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach that the reaction system further includes a segment gear and an arbor block releasably linked together, and the spring is configured to push the arbor block away from the segment gear to cause the cutting tool to retract upon detection of contact by the detection system.

Claims 19-21 and 24 are allowed. The claims are allowable because prior art fails to teach a release mechanism adapted to hold a worm gear in place relative to a shaft that is associated with the worm gear during the normal operation of the saw, and further adapted to release the worm gear relative to the shaft upon detection of the dangerous condition between a person and the blade, as set forth in claim 19. The prior art also fails to teach that the reaction system includes a compressible busing positioned between the arbor and the blade and configured to allow the blade to retract due to compression of the busing, as set forth in

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claim 21. The prior art also teaches a band blade for cutting workpieces, and a roller positioned adjacent the blade and configured to retract the blade by pushing against the blade upon detection of the dangerous condition by the detection system, as set forth in claim 24.

Regarding claims 19, 22 and 24, Foreign Document DE 19609771, hereinafter DE '771, teaches a table saw giving a circular blade for cutting workpieces; an arbor to support the blade and an arbor block to support the arbor; a detection system adapted to detect a dangerous condition between a person and the blade; and a reaction system associated with the detection system and the blade, where the reaction system is configured to retract the blade at least partially away from the cutting region upon detection of the dangerous condition by the detection system.

However, DE '771 fails to teach a release mechanism adapted to hold a worm gear in place relative to a shaft that is associated with the worm gear during the normal operation of the saw, and further adapted to release the worm gear relative to the shaft upon detection of the dangerous condition between a person and the blade, as set forth in claim 19. DE '771 also fails to teach that the reaction system includes a compressible bushing positioned between the arbor and the blade and configured to allow the blade to retract due to compression of the bushing, as set forth in claim 21. DE '771 also fails to teach a band blade for cutting workpieces, and a roller positioned adjacent the blade and configured to retract the blade by pushing against the blade upon detection of the dangerous condition by the detection system, as set forth in claims 24.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

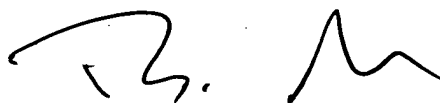
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ghassem Alie
Patent Examiner
Art Unit 3724

GA

February 6, 2008



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER